



Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • [www.adeq.gov](http://www.adeq.gov)



Stephen A. Owens  
Director

## CERTIFIED MAIL

Return Receipt Requested  
AN – "[Insert 20-digit number]"  
"[Insert month, day and year]"

"[Insert owner's, operator's or volunteer's name and title]"  
"[Insert business name]"  
"[Insert PO Box or street address]"  
"[Insert city, state & zip code]"

## RE: NO FURTHER ACTION

LUST File Nos. "[Insert LUST numbers]"	"[Insert release description]"
Facility ID No. 0-00"[Insert last 4 digits]"	"[Insert facility name]"
"[Insert county name]" County	"[Insert facility location address]"
	"[Insert city, state and zip code]"

Dear "[Insert owner's, operator's or volunteer's name and title]" :

The Arizona Department of Environmental Quality (ADEQ) Tank Programs Division has reviewed the referenced leaking underground storage tank (LUST) case file, including the Monitored Natural Attenuation (MNA) Program application which was submitted on [date]. Based on this review, the MNA Program application has been approved and therefore the Department is issuing this No Further Action (NFA) letter which includes the following conditions:

1. The Department is not requiring the applicant to perform additional corrective actions for soil or groundwater for the property at which the referenced UST release occurred;
2. The soil contamination associated with the release is at or below the applicable corrective action standards in accordance with A.A.C. R18-12-263.01;
3. The groundwater contamination associated with the release is above the applicable corrective action standards in accordance with A.A.C. R18-12-263.01;
4. The additional necessary corrective actions will be performed by the Department;

Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

"[Insert owner's, operator's or volunteer's name]"

"[Insert month, day and year]"

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5. The Department shall not approve closure of the LUST case file under A.A.C. R18-12-263.03(D) until the applicable groundwater corrective action standards in accordance with A.A.C. R18-12-263.01, or the conditions of A.A.C. R18-12-263.04, are met for the groundwater contamination;
6. The Department may rescind the approval of the MNA Program application and the issuance of this no further action letter and require the UST owner or operator to perform additional corrective actions pursuant to A.R.S. § 49-1005, if the information submitted within the application was inaccurate, false or misleading.
7. The Department is requiring:
  - a. A property access agreement (see attached) from the UST owner or operator if they own the property, or from the person who undertakes corrective actions pursuant to A.R.S. § 49-1052(I), which allows the Department to access the property to perform the necessary corrective actions; and
  - b. The transfer of ownership of monitor wells [       ], to be used to perform the necessary corrective actions, from the UST owner or operator, or a person who undertakes corrective actions pursuant to A.R.S. § 49-1052(I) to the Department.
  - c. The proper abandonment of monitor wells not selected by the Department for future monitoring, and
  - d. The decommissioning of any remedial equipment unless otherwise requested by the Department.

#### State Assurance Fund

Please note that you have until July 1, 2010, to submit a final claim to the State Assurance Fund (SAF) for reimbursement of costs expended to conduct corrective actions related to this release, which includes abandonment of any monitor wells and the decommissioning of any remedial equipment not selected by the Department. If you have any questions about SAF, please contact Tara Rosie, SAF Section Manager, at (602) 771-4725.

#### Notice of Right to Appeal

Please review the enclosed *Appeal Guidance* sheet if you wish to appeal this appealable agency action. To request an appeal, you must file a notice of disagreement with ADEQ within thirty (30) days of receiving this letter.

#### Additional Information

Please use the Facility ID and LUST File numbers on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. All correspondence should be addressed to:

"[Insert owner's, operator's or volunteer's name]"

"[Insert month, day and year]"

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Arizona Department of Environmental Quality  
Tank Program Division  
Corrective Action Section  
1110 West Washington Street # 4415A-3  
Phoenix, Arizona 85007

If you need additional information pertaining to the SAF, or other UST program information, you can access ADEQ's web page at [www.adeq.gov/environ/ust/index.html](http://www.adeq.gov/environ/ust/index.html), or visit ADEQ's office at 1110 W. Washington Street, Phoenix. Information pertaining to Arizona Revised Statutes (A.R.S), Title 49, can be obtained by accessing the Arizona Legislative Computer Services web page at [www.azleg.state.az.us](http://www.azleg.state.az.us). The UST rule citations may be found at [www.azsos.gov/public\\_services/Title\\_18/18-12.html](http://www.azsos.gov/public_services/Title_18/18-12.html).

If you have any questions concerning this correspondence, please contact the undersigned at (602) 771-"[Insert 4-digit extension]" or toll free at (800) 234-5677 extension 771-"[Insert 4-digit extension]"

Sincerely,

Sincerely,

"[Insert letter writer's name and title]"

"[Insert unit's name]"

Corrective Action Section

"[Insert unit manager's name, Supervisor]"

"[Insert unit's name]"

Corrective Action Section

"[Insert writer's initials in UPPER CASE:typist's initials in lower case]"

Enclosure: *Appeal Guidance*  
*property access agreement form*

cc: Nick Giuntoli, UST Coordination Unit  
SAF Section/Cost Review Unit

"[Insert consultant's name and title]"

"[Insert name of consulting firm]"

"[Insert mailing address]"

"[Insert city, state and zip code]"